IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 2358 (SS) OF 2001

(OLD NO. 37205 OF 2000)

Jagdish Chandra Sharma, son of late Sri Jamuna Prasad, President of 446-B, Khubura, Dehradun. .....Petitioner.

Versus

1. State of U.P., through Secretary Revenue Department (Anubhag-4).
2. The secretary, Board of Revenue, U.P. Allahabad.
3. The Collector, Dehradun. .....Respondents.

Sri Ashok Agarwal & Ranjit Saxena, Advocate for the petitioner.

Learned Standing Counsel for the respondents.

Dated : 21.02.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order No. 11 MU-S/1-4-2000-351 V.4/98 dated 15.4.2000 (Annexure – 10 to the writ petition) passed by the respondent no.1 rejecting the appeal of the petitioner.

2. Brief facts giving rise to the present writ petition are that the petitioner entered in service on 11.01.2003 as a Clerk and at the time of retirement on 31.01.1998 he was serving as Revenue Assistant which was one of the highest posts in the clerical cadre of the collectorate.

3. According to the case of the petitioner after the post of Revenue Assistant and other equivalent post, the next promotion is on the post of office superintendent of the Collectorate, which was designated w.e.f. 04.04.1989 as Administrative Officer vide G.O. No. 681/Ka-4-3 EA/89 dated 04.04.1989.

4. According to the case of the petitioner, four persons were recommended to be promoted to the post of Office Superintendent.

5. Out of the above four, Sri Jagdish Prasad Gupta was promoted as Office Superintendent for the period of one month from 01.12.1987 to 31.12.1987. Shri Brij Bhushan Sharma got promotion as office superintendent for one month from 01.01.1988 to 31.01.1988.

6. Since the date of retirement of candidate at Sl. No. 2 and 3 i.e. Shri Brij Bhushan Sharma and petitioner Sri Jagdish Chand Sharma was the same i.e. 31.01.1988, Shri Brij Bhushan Sharma was promoted but the petitioner was not given promotion as Office Superintendent/Senior Administrative Officer.

7. The petitioner has relied upon the G.O. dated 5th October, 1987, whereby the post of Administrative Officer was sanctioned, which was designated specifically as Senior Administrative Officer, but the petitioner was not given the promotional post of Senior Administrative Officer.

8. The representation of the petitioner dated 30.11.1995 is still pending.

9. However, liberty is given to the petitioner to file a fresh representation.

10. Without entering into the merit of the controversy, the respondents are directed to decide the representation of the petitioner within a period of six weeks from the filing of the certified copy of the order taking into consideration the G.O. dated 5th October, 1987. So far as the notional promotion is concerned, the petitioner has already retired in the year, 1988.

11. Writ Petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

21.02.2006
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